

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Bob Voigt on 20 April 2010. Claims 4, 5 and 9-21 are now pending. The examiner acknowledges the amendments to claim 5, as well as the cancellation of claims 1-3 and 6-8.

The application has been amended as follows:

#### **IN THE CLAIMS:**

Withdrawn claims 9-17, 20 and 21 are now cancelled.

#### ***Allowable Subject Matter***

2. Claims 4, 5, 18 and 19 are allowable over the prior art of record. The following is an examiner's statement of reasons for allowance: regarding claim 4, the prior art of record does not teach or fairly suggest a surgical instrument for treating incontinence as disclosed by Applicant, wherein a mesh section of a sling is comprised of absorbable polymers, and filaments of the section have a diameter of approximately .012 inch to 0.1 inch. Regarding claim 5, while the prior art teaches a surgical instrument for treating

female urinary incontinence comprising a sling and sling transfer instrument, the prior art of record does not teach or fairly suggest a surgical instrument as claimed by Applicant, wherein the mesh section is approximately 60 cm in length, approximately 1.5 cm. to 3.0 cm at its widest and generally center-most position, and approximately 1.0 cm wide at each of its opposite ends.

Regarding claims 18 and 19, the prior art of record does not teach or fairly suggest a suprapubic method for treating incontinence as claimed by Applicant, wherein the insertion handle of a first sling transfer instrument is used to guide a curved tip at the instruments distal end through the abdominal wall and retropubic space and further allowing the tip to be in contact with the posterior surface of the pubic bone as it traverses the retropubic space.

### ***Conclusion***

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTINE D. HOPKINS whose telephone number is (571)272-9058. The examiner can normally be reached on Monday-Friday, 7 a.m.-3:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor, II can be reached on (571) 272-4730. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Charles A. Marmor, II/  
Supervisory Patent Examiner  
Art Unit 3735

/C. D. H./  
Christine D Hopkins  
Examiner  
Art Unit 3735